



POLICY AND ADMINISTRATIVE PROCEDURES

Manual of Policies and Procedures

Title

THE ESTABLISHMENT, MAINTENANCE AND DISPOSITION OF OFFENDER RECORDS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 4-1-6-1 <i>et seq.</i> ; IC 5-14-3-1 <i>et seq.</i> ; IC 11-8-2-5(a)(8); IC 11-8-2-5(a)(10); IC 11-8-2-5(a)(12); IC 11-8-5-1 <i>et seq.</i> ; IC 11-10-1-2; IC 11-10-2-4; IC 11-13-3-3; IC 35-38-1-13; 210 IAC 1-6; 240 IAC 6-1	00-03-101 00-01-102 01-04-101 02-01-101	ACA: ACI:3-4018, 3-4020, 3-4092, 3-4093, 3-4095, 3-4096; 3-4097; 3-4099, 3- 4376; 3-4377; 3-4378;3-4379 JTS: 1A-26; 1A-27; 1E-01; 1E-02; 1E- 03; 1E-04; 1E-05; 1E-06; 1E-07; 5I-12; 5I-13 CO: 2-CO-1E-01; 2-CO-1E-02; 2-CO- 1E-03; 2-CO-1E-04; 2-CO-1E-06; 2- CO-1E-07; 2-CO-1E-08; 2-CO-1E-09

I. PURPOSE:

This policy presents the parameters for the establishment, maintenance, release and disposition of offender records by the Department of Correction.

II. POLICY STATEMENT:

The Department of Correction shall develop and maintain an offender records system that will maintain necessary information on all offenders committed to the Department. Information placed in the system shall be collected in a manner that provides the greatest degree of current, accurate data and facilitates program planning, development, implementation and review.

The data contained in the offender records system shall be controlled to ensure the confidentiality and security of the information and to protect the integrity of the record. The release of information or data contained in the system shall be based upon appropriate statutes, promulgated rules, Department policies and administrative directives. Information maintained by the Department shall be destroyed only upon approval by the Indiana Commission on Public Records.

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III. DEFINITIONS:

For the purpose of this policy and its administrative procedures, the following definitions are presented:

- A. AGENT: A third party who meets statutory requirements and has written consent to gain access to certain offender records. (210 IAC 1-6-4[B])
- B. CENTRAL OFFICE PACKET: The records of an offender that are maintained in the Department's Central Office Records Unit.
- C. CLASSIFICATION OF INFORMATION: The degree of access that applies to information in the official record which complies with the following:
 - 1. Unrestricted – Information pertaining to an offender that is considered by law as public information and which may be released to anyone.
 - 2. Restricted – Information pertaining to an offender that may be accessed by the subject of the records, the subject's agent and other limited persons based upon their need to access the record but which may not be release to the general public.
 - 3. Confidential – Information pertaining to an offender which is considered by statute or rule as confidential.
- D. COMMITMENT ORDER: A court document that orders a person to the custody of the Department and specifies the length of the offender's commitment; i.e. ABSTRACT OF JUDGEMENT, State Form 8466; DISPOSITIONAL ORDER, State Form 9176.
- E. CRIMINAL HISTORY DATA: Information collected by criminal justice agencies or individuals consisting of identifiable descriptions and notations of arrests, indictments, information, or other formal criminal charges. Any dispositions, including sentencing and correctional system intake, transfer and release, including information obtained from a federal Department of Justice Information System.
- F. CRIMINAL INTELLIGENCE INFORMATION: Information relating to a pending investigation(s) of alleged criminal conduct or other misconduct of offenders.

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- G. DATA SUBJECT: An individual about whom personal information is indexed or may be located under his/her name, personal number, or other identifiable particulars in a personal information system.
- H. DETAINER: A warrant placed against a person in a federal, state or local correctional facility that notifies the holding authority of the intention of another jurisdiction to take custody of that individual.
- I. DISCHARGE: The final separation or unconditional release of an offender from the jurisdiction of the Department of Correction.
- J. DISPOSITIONAL ORDER: A juvenile court document which orders a juvenile delinquent to the Department and states the offense(s) for which the juvenile was adjudicated.
- K. DOC NUMBER: The number assigned by the Department to identify an offender.
- L. EXPUNGEMENT: To erase or delete a portion or an entire adult or juvenile offender record by court order or administrative procedure.
- M. FACILITY PACKET: The offender records which are developed and/or maintained by the various facilities in which the offender is housed during his/her period of confinement with the Department.
- N. GUARDIAN: A person appointed by a court invested with the power and charged with the duty of taking care of the person and/or managing the property of another. One who legally has the care and management of the person or the estate, or both, of a child during his/her minority.
- O. LIMITED CRIMINAL HISTORY: Information with respect to any arrest, indictment, information or other formal criminal charge, which includes a disposition.
- P. OFFENDER: A person, adult or juvenile, who has been committed by a court having jurisdiction to and under the legal control of the Department.
- Q. OFFENDER DATA CARD: A standardized personal information card that contains pertinent physical, criminal, management and dispositional data related to an offender.
- R. OFFICIAL RECORD (Offender Record): The data maintained by the Department for each offender received into its care and custody and which

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provides the source of written, printed, photocopied or electronically stored materials pertaining to services, programs and other official actions performed on behalf of the offender compiled and maintained as a part of an offender packet.

- S. **PERSONAL INFORMATION:** Any information that describes, locates, or indexes anything about an individual or that affords a basis for inferring personal characteristics including, but not limited to, education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or his/her presence, registration or membership in an organization or activity or admission to a facility.
 - T. **PERSONAL INFORMATION SYSTEM:** Any record keeping process, whether automated or manual, containing personal information and the name, DOC number, or other identifying particulars of a data subject.
 - U. **PRIOR COMMITMENT HISTORY:** A sentence of confinement, regardless of where served, for any length of time, served prior to the current commitment period.
 - V. **SUPERVISOR OF RECORDS:** The Commissioner's designee responsible for the management and control of Department offender records issues.
- IV. **RECORDS IDENTIFICATION AND OFFENDER NUMBERING SYSTEM:**
- A. **OFFENDER PACKETS AND RECORDS:**

The offender record includes all recorded data, except fiscal and internal affairs records, maintained by the Department which pertain to committed or court ordered offenders.

 - 1. **Types of Packets:**
 - a. **Facility Packets:**
 - (1) Adult Felons.
 - (2) Adult Misdemeanants.
 - (3) Pre-Dispositional.
 - (4) Safekeepers.
 - (5) Escape.
 - (6) Juvenile.

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b. Central Office Packets:

- (1) Adult Felons.
- (2) Adult Misdemeanants.
- (3) Safekeepers.
- (4) Juvenile.

c. Parole Services Packets:

- (1) Adult Felon Parolees.
- (2) Juveniles on Community Supervision.
- (3) Interstate Compact Offenders.

2. Types of Records:

a. Facility Packet:

- (1) Admission Records;
- (2) Conduct Records;
- (3) Parole Records;
- (4) Classification Records;
- (5) Medical Records;
- (6) Custody Records;
- (7) Program Records;
- (8) Work/Maintenance Records;
- (9) Education Records;
- (10) Correspondence; and,
- (11) Offender Grievance and Commissary.

b. Central Office Packets:

- (1) Admission Records;
- (2) Conduct Records;
- (3) Classification Records;
- (4) Parole Records;
- (5) Correspondence; and,
- (6) Offender Grievance.

c. Parole Services Packet:

- (1) Pre-sentence investigation;
- (2) Pre-parole information;

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(3) Medical information;

B. OFFENDER NUMBERING SYSTEM:

1. The Department Offender Numbering System identifies the offender and serves as a cross-reference to the offender's name and other departmental records.
 - a. The Department Offender Numbering System shall:
 - (1) Include an identifier for each offender that indicates that the Department is the issuing agency followed by a set of six (6) unique numbers;
 - (2) Control the issuance of numbers through a central location;
 - b. Once a six (6) digit number is assigned it shall follow the offender through repeated returns to the Department regardless of the type of commitment or court order: e.g. juvenile who returns as an adult, pre-dispositional or safekeeper returned as a regular commitment, misdemeanor who turns over to a felony sentence and vice versa, or recommitment with a new sentence.
2. The Offender Numbering System contained in these administrative procedures is a continuation and expansion of the system that became effective January 1, 1985. All other systems are grouped together and referred to as "prior" numbering systems.
3. All numbers assigned to offenders will contain the prefix: DOC. The three (3) letters will be capitalized and will identify the number as a Department issue. The number will consist of six (6) digits. The complete number consists of three (3) capital letters followed by a six (6) digit number; e.g. DOC 851234.
4. The Department's Supervisor of Records is responsible for the allocation of DOC numbers to the Intake Units or selected facility locations.

The Supervisor of Records will allocate numbers to the following Intake Units, and to other facilities as needed on an individual basis:

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- a. Logansport Juvenile Intake/Diagnostic Facility (Juvenile Male);
 - b. Indianapolis Juvenile Correctional Facility (Juvenile Female);
 - c. Indiana State Prison (Male Offenders with Death Sentences);
 - d. Indiana Women's Prison (Female Offenders with Death Sentences);
 - e. Reception/Diagnostic Center; (Adult Male)
 - f. Rockville Correctional Facility (Adult Female)
 - g. South Bend Juvenile Correctional Facility;
 - h. Central Office Parole District; and,
 - i. Central Office Administration (COA).
5. The Intake Units are responsible for:
 - a. The assignment or reassignment of a DOC number to each offender legally committed or court ordered to the Department and received by the Intake Unit; and,
 - b. The assignment of DOC numbers in sequence beginning with the lowest number in the Unit's allotment.
6. A DOC number shall be assigned to each adult and juvenile offender under the following circumstances:
 - a. Individuals received as initial commitments to the Department;
 - b. Individuals received as safekeepers;
 - c. Individuals received for pre-dispositional diagnostic services;
 - d. Individuals received by the Department for other purposes, i.e. contempt of court;
 - e. Individuals recommitted to the Department, i.e. completion of obligation to the State under a prior commitment with a prior system number and the offender is subsequently received at a Department Intake Unit under a new sentence;

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- f. Individuals committed to the Department by an Indiana court, but who have served a portion of their sentence in another jurisdiction, i.e. federal or state facility, and are subsequently returned to Indiana to complete their sentence and have been assigned a prior system number; and,
 - g. Individuals returned as parole/community supervision violators with a new commitment and a prior system number.
- 7. Under the following conditions offenders who have been assigned a prior system number will continue to be identified by the prior number and will not be assigned a "new" number:
 - a. Offenders committed or court ordered to the Department, assigned a prior system number and continue to serve their original sentence;
 - b. Offenders with prior system numbers who are released on court order and returned on the same commitment or an amended commitment;
 - c. Technical parole/community supervision violators with a prior system number; and,
 - d. Offenders with a prior system number who have completed a Department incarceration, returned to the court for probation, violate probation and are returned to the Department to complete the sentence.
- 8. An offender who has been assigned a "new" DOC number, and later is inadvertently assigned a second "new" DOC number the following shall apply:
 - a. The first number should be reapplied whenever possible;
 - b. If the duplication is discovered at an intake facility, it may delete the DOC number that will not affect historical data.
 - c. If historical data may be compromised, then the intake facility shall notify the Supervisor of Records;
 - d. If the duplication is discovered after the offender has been

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transferred from an intake facility the controlling facility shall notify the Supervisor of Records;

- e. The Supervisor of Records shall be the final authority for determining which DOC number shall be used.
9. Each DOC number allocated or issued to Intake Units or offices by the Supervisor of Records must be accounted for in one of the following ways:
- a. Offender name associated with a number.
 - b. Voided number.
 - c. Unused number.

V. PACKET DEVELOPMENT:

A. PACKET DEVELOPMENT:

1. Facility Packets:
- a. All jackets shall be letter size, i.e. 8 1/2" x 11" with a tab.
 - b. All adult and juvenile facility records will be contained in a packet. The packet shall be contained in a green six (6) section self-contained jacket with tabs, or jacket approved by the Supervisor of Records.
 - c. Each Intake Unit is responsible to provide jackets for the facility packets that it develops.
 - d. All adult Central Office records will be contained in a packet or maintained on a computer based image system. The packet shall be a maroon six (6) section self-contained jacket with tab.
 - e. Each juvenile Central Office record will be contained in a packet or maintained on a computer based image system. The packet shall be contained in a manila folder with tab and an "acco" fastener at the top of the inner right side.
 - f. Each adult and juvenile facility packet and each felon Central Office packet will contain a removable confidential section.

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- (1) A letter size manila folder will be used for the confidential section with an "acco" fastener at the top of the inner right side.
 - (2) The words SECTION VII, CONFIDENTIAL in 2" block letter shall be stamped horizontally on the outside front cover.
 - (3) The SECTION VII, CONFIDENTIAL folder will be maintained between Sections V and VI of the facility packet.
 - (4) These folders will be provided by the Intake Unit, facility, or office that initiates the respective packet(s).
- g. The tab on the green, maroon and manila jackets will identify the offender associated with the records. Each tab will face the inside of the jacket and will list in order the following information:
- (1) DOC Number;
 - (2) Offender's commitment last name followed by a comma; and,
 - (3) Offender's commitment first name.
- h. Operational procedures for document files will be developed by each facility to include the following:
- (1) Each staff person who regularly files documents in any offender packet must have ready access to the listing of documents for each of the sections.
 - (2) Court Materials.
 - (a) File original documents as received from the court in the facility packet.
 - (b) Copies of legal size court documents may be reduced to 8 1/2" x 11" if legibility is not impaired.
 - (3) Department documents are to be 8 1/2" x 11" or smaller.

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- (4) Copies of a document which are to be filed in both the adult facility and Central Office packets will be filed in the same section in both packets, unless otherwise indicated.
- (5) Each document is to be "acco" fastened within the respective section. No loose papers shall be in any section of the packet.
- (6) Submit and file only one (1) copy of each document unless specifically authorized by the staff person responsible for the local offender records unit.
- (7) Each document should clearly and legibly identify the offender by name and DOC number. If not easily discernible, the staff person who submits the document(s) for filing is responsible to insert the offender's name and DOC number in the upper right corner of the document. Additional information is useful on each document, e.g. date and source of the document.
- (8) Staff designated by the facility shall be trained in filing and records handling.
- (9) File in chronological order in each section with the most recent dated document on top unless otherwise indicated, e.g. yellow forms (front sheets) are to be filed and remain on top of the respective section. (NOTE: Offender Photographs shall be placed on the top in Section 2.)
- (10) The list of documents in ATTACHMENT B of these procedures for each section is both specific for enumerated documents and example of documents to be filed in a particular section, i.e. the section listings are specific but not all inclusive. Documents similar to those listed shall be filed in that section.
- (11) Some of the lists specify the sequence of filing selected documents, e.g. on top, under top, on bottom. The remaining documents are presented in

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alphabetical order, but the list does not imply the sequence of filing, i.e. file in chronological order during the serving of the sentence.

- (12) As section cover forms become filled with entries, place a new form on top and continue. Forms are: State Forms 31594, 31599, 31669, 31679, and 31682. (See ATTACHMENT A)
 - (13) Insert entries on the face of the form only, i.e. do not make entries or write on the back of any such form.
 - (14) When an offender turns-over-to (TOT) a new sentence, the same packet will continue to be used, i.e. new packets are not to be developed because of a change in the offender's status or sentence.
 - (15) If a facility, or office receives documents to be filed for an offender not currently assigned to the facility, the facility is responsible to ascertain the offender's current location and forward the documents to the appropriate facility or parole office.
- i. If a packet becomes unwieldy in size an addendum should be developed. Addendum(s) to a packet will be organized in the same format as the original packet.
- (1) The original packet shall then be labeled "Original."
 - (2) The first addendum to a packet will be labeled "Addendum #1" and subsequent addenda will continue as #2, #3 etc.
 - (3) The addenda are to be considered an extension of the original packet and should not contain documents duplicated solely for the creation of the addenda.
 - (4) The most current information will be contained in the original packet and will proceed chronologically through the addenda.

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- j. Each facility, and office records unit shall develop and maintain a system to account for each active offender packet that is released to an individual including the individual's office or agency.

- 2. Intake Units:

- a. Adult:

- (1) Upon the receipt of an individual, the Intake Unit shall ascertain if the individual has been committed or court ordered to the Department previously. If it is so determined, the Intake Unit shall retrieve the offender's prior active/inactive records and incorporate them into new records. The retrieval process shall be in accordance with Section V of these procedures.
 - (2) Each Intake Unit shall prepare a facility packet for individuals court ordered to the Department for Pre-Dispositional services.

- b. Juvenile:

Each Intake Unit shall prepare a facility packet for each committed or court ordered offender that the unit processes.

VI. CLASSIFICATION, ACCESS, REVIEW, CHALLENGE, EXPUNGEMENT, RELEASE AND SECURITY OF INFORMATION:

A. CLASSIFICATION OF INFORMATION:

- 1. Unrestricted:

Unrestricted (public) information includes, but is not limited to, the following:

- a. Offender's commitment name;
 - b. Offender's DOC number;
 - c. Alias(es);
 - d. Age (Birth month, day and year);
 - e. Court documents;

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- (1) State Form 8466, ABSTRACT OF JUDGEMENT;
 - (2) Court orders;
 - (3) Docket sheet;
 - (4) Warrant/detainer; and,
 - (5) Any sentencing information;
- f. Date of beginning Department incarceration--after arrival;
- g. Current Projected Release Date (PRD);
- h. Earliest Possible Release Date (EPRD);
- i. Maximum Release Date (MRD);
- j. Date received at facility;
- k. Transfer date;
- l. Current and past status:
- (1) Facility to which assigned or present location if different from assigned facility except when transfer is imminent or in process;
 - (2) Program assignment; e.g., education, farm, industries, work--excluding progress report;
 - (3) Releases--excluding offender's address:
 - (a) Court order--after return to court's jurisdiction;
 - (b) Death;
 - (d) Discharge--after discharge;
 - (e) Escape/abscond;
 - (f) Parole/Community Supervision;
 - (g) Transfer to another jurisdiction, excluding witness relocation program.
- m. Parole Board/Clemency Commission:
- (1) Eligibility/hearing date;
 - (2) Action taken;
 - (3) Clemency action by Governor; and,
 - (4) Executive Order Number.
- n. Community Transition Program information;
- o. Location;
- p. Conduct summary:

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- (1) Number of reports;
- (2) Offense and code;
- (3) Disposition.

2. Restricted:

Restricted information includes, but is not limited to, the following.

- a. Education records;
- b. Medical records;
- c. Sex Offender records;
- d. Substance Abuse records;
- e. Disciplinary code reports;
- f. Criminal History;
- g. Employment records;
- h. Finger and voice prints;
- i. Photographs;
- j. Facility summaries;
- k. Psychiatric and psychological reports;
- l. Social History reports; and,
- m. Progress reports.

3. Confidential:

Information that may not be inspected by an adult offender or his/her agent, including but not limited to, the following:

- a. Criminal intelligence;
- b. Federal criminal justice documents relating to the offender;
- c. Internal investigative materials - excluding State Form 39591, REPORT OF INVESTIGATION OF INCIDENT;
- d. Parole/Clemency protest documents;
- e. Information received by the Department, whether solicited or not, that, if disclosed, might result in physical harm to the individual providing such information or to any other individual, including the offender;
- f. Information obtained by the Department only upon a promise of confidentiality shall be released to the offender or his/her agent only upon receipt of a valid court order; and,
- g. Any other information required by law or promulgated rule to be maintained as confidential.

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4. Juvenile Records:

All juvenile offender information is considered confidential.

B. ACCESS TO OFFENDER RECORDS INFORMATION:

1. The following persons, designees, or agencies shall have access to offender records information within the classifications as indicated:

- a. Unrestricted:

Anyone, upon written request.

- b. Restricted:

- (1) An adult offender who has been committed or court ordered to the Department may access his/her own records;
 - (2) Authorized agent for an adult offender:

In order to gain access the following conditions apply:

- (a) The agent shall be free from a current commitment to, legal control of, or receiving correctional services from the Department; or a court probation obligation;
 - (b) The offender shall complete a statement identifying the person acting as his/her agent for access to the offender's records and submit the statement for filing in the facility and Central Office offender's packets;
 - (c) The agent shall provide proper identification upon request of the staff person authorizing access to the information;
 - (d) If doubt exists as to the identity of the offender's agent, the offender shall be

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contacted for verification when possible;
and,

- (e) If the offender's signed statement identifying the agent is not on file with the facility or office, or is not presented by the agent when making the request to access the information, the agent shall be advised that he/she may obtain such authorization from the offender or file a formal request for access with the department.
- (3) Health Care Service Records may be released to a dentist, physician, psychologist or psychiatrist designated in writing by the offender about whom the information pertains. Additionally, Health Care Service Records may be released to an attorney representing the offender upon submission of a letter of representation containing the signature of the offender. Health Care Service Records including the following:
 - (a) Dental;
 - (b) Medical;
 - (c) Psychiatric; and,
 - (d) Substance Abuse.
- (4) Employees of the following agencies/organizations who need the information in the performance of their lawful duties:
 - (a) Criminal justice agencies, including Law Enforcement agencies;
 - (b) Family and Social Services Agencies. Upon notification by the Parent Location Service that the information is for the purpose of locating a parent of an abandoned or deserted child and that the information obtained will be treated as confidential by the division or by the agency, department or any other state to which the information is

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released. The following information may be released:

- (1) Full name of parent;
 - (2) Social Security Number of parent;
 - (3) Date of birth of parent;
 - (4) Address of parent's residence;
 - (5) Amount of wages earned; and,
 - (6) Number of dependents claimed on state and federal tax withholding forms;
- (c) Internal Revenue Service;
 - (d) Probation Officers;
 - (e) Prosecutor Offices;
 - (f) Public Defender (State);
 - (g) Social Security Administration;
 - (h) U.S. Postal Service;
 - (i) Department of Public Welfare
 - (j) Office of the Attorney General;
 - (k) Department of Mental Health;
 - (l) Department of Rehabilitation Services;
 - (m) Health Care Staff providing services for an offender in or under department custody/care;
 - (n) Governor and Governor's staff; and,
 - (o) Parole/Clemency Board.
- (5) The Commissioner may release restricted information when it is determined that there exists a compelling public interest for disclosure that

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overrides the interests to be served by non-disclosure.

- (6) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties;
- (7) Person(s) designated by a court order enforceable in the State of Indiana;
- (8) Researchers in accord with approved procedures for "Research and Statistics," Policy 00-04-201;

c. Confidential:

- (1) Adult Offenders
 - (a) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties; and,
 - (b) Persons designated by an Indiana court order.
- (2) Juvenile Offenders:
 - (a) Department employees as approved by the Commissioner, Facility Head or designee who need the information in the performance of their lawful duties;
 - (b) Juvenile records may be released to a parent or legal guardian or a legal representative of the juvenile, parent or legal guardian upon specific written request, unless the release of such record(s) is contrary to the health, welfare or safety of the juvenile.
 - (c) Persons designated by an Indiana court order.

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(3) The Commissioner may release confidential information when it is determined that there exists a compelling public interest for disclosure that overrides the interests to be served by non-disclosure.

(4) Researchers in accord with approved procedures for "Research and Statistics," Policy 00-04-201;

2. A person authorized to access an offender's record at a higher level of security shall be entitled to have access to records maintained at a lower level of security.

**C. REVIEW AND RELEASE OF OFFENDER RECORDS
INFORMATION:**

1. Upon receipt of request of disclosure, review and/or release of information by a facility, the staff person who receives the request shall forward the request to the staff person(s) responsible to approve a request for disclosure, review and/or release of offender records information.
2. Upon receipt of an oral or written request to access an offender's record, the staff person(s) responsible to consider the request for disclosure, review and/or release of offender records information shall:
 - a. Complete the two upper boxes as appropriate on State Form 36083, REVIEW AND/OR RELEASE OF OFFICIAL OFFENDER RECORD;
 - b. Verify that the requester satisfies the criteria for access to requested information;
 - c. Request clarification and/or additional documentation as pertinent;
 - d. Approve the request if the requester satisfies the criteria;
 - e. Deny the request if the requester fails to satisfy the criteria;
 - f. Inform the requester of the appeal procedure;

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- g. Complete the two (2) lower boxes as appropriate on State Form 36083;
 - h. Record on State Form 31594, ACCESS - ASSIGNMENT - MOVEMENT - RELEASE, the following information, at minimum:
 - (1) Requester's name and DOC number if an offender;
 - (2) Agency or function represented;
 - (3) Purpose of request;
 - (4) Date access was granted or denied; and,
 - (5) Name of staff person granting or denying access;
 - i. File forms in offender's facility/Central Office packet as appropriate.
- 2. An authorized staff person(s) responding to approved requests for offender records information shall allow disclosure, review and/or release of records in accord with Section IV. B. of these administrative procedures;
- 3. Access to offender record information may be denied:
 - a. When the requester fails to submit a request for access in accordance with these administrative procedures or to satisfy the eligibility requirements as stated in Procedure IV. B of these administrative procedures; and/or,
 - b. When the staff person designated as being responsible for the offender records determines that to release the records would not be in the best interests of the offender or the Department.
- 4. The following appeal process shall be applied, if a request for access to an offender's records is denied, in whole or in part:
 - a. The requester shall be directed to appeal, in writing, to the Supervisor of Records; and,
 - b. If the appeal is disapproved, a written appeal may be made within thirty (30) days of the denial of the appeal to the Commissioner or designee who shall review the request and notify the requester of the final decision.

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5. Unauthorized disclosure or failure to protect restricted or confidential information:
 - a. Any staff person who knowingly or intentionally discloses information classified as restricted or confidential commits a Class A misdemeanor; and,
 - b. Any staff person may be disciplined in accordance with State Personnel Department rules if he/she intentionally, knowingly or recklessly discloses or fails to protect information classified as restricted or confidential. Improper disclosure of restricted or confidential information by a staff person is cause for disciplinary action up and including dismissal of the staff person.

D. CHALLENGE OF OFFENDER RECORD INFORMATION:

1. An offender must give written notice to the Department to challenge, correct or explain information contained within his/her record;
2. The challenge must pertain to specific documents and/or issues within the offender's record;
3. An investigation shall be made under the authorization of the Facility Head or Supervisor of Records to determine the status or content of such reports as alleged by the challenger; the investigator shall determine if the reports challenged are properly a part of the record and, in fact, do contain the elements that are challenged and ascertain the source of the challenged information;
4. If the challenged data was generated or received by sources other than the Department, the offender is to be advised to direct his/her request to change or delete such information to the authoring agency and the offender in turn is to be advised of the last known address of the authoring agency or person;
5. If after such an investigation, such information is found to be incomplete, inaccurate, not pertinent, not timely or not necessary to be retained for statutory responsibilities or related services, it shall be promptly corrected or deleted from the offender's record;

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6. When such a change in the record does occur, each facility holding or retaining a duplicate record of such information shall be advised to correct those copies of duplicates accordingly;
7. If a dispute concerning information in an offender's record is not resolved by the investigation, the offender shall be notified and shall be advised that he/she may file a statement of not more than two hundred (200) words setting forth his/her position with the Facility Head, who shall ensure that the statement is included in the offender's record with the disputed information;
8. If there is an addition, deletion or statement of offender's position, the Department official responsible for maintaining that record shall advise the offender of any previous recipient(s) and supply the previous recipient(s) a copy of the addition, deletion or offender's statement of position, in accordance with provisions of IC 4-1-6-5; the Department official notifying any previous recipient(s) shall require an acknowledgment that the additions, deletions or offender's statement of position was received.

E. EXPUNGEMENT OF OFFICIAL RECORD:

Facilities shall:

1. Receive the court order to expunge an offender's records directly from the court or the Records Control Unit;
2. Conduct a local search for the offender records ordered to be expunged; if the court order includes all offender records, collect the packet, education, health care services records and any other offender records including all data cards relating to the offender;
3. Send all documents to the Supervisor of Records and include all copies of the court order;
4. Ensure that no offender records including data cards remain at the facility or office if the order is for complete expungement; and,
5. Send the court order with a memorandum to the Supervisor of Records if the search uncovers no offender records.

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F. SECURITY OF OFFENDER RECORDS:**1. Facilities shall:**

- a. Designate a specific room or location as an offender records storage area. This area must be capable of being secured from offender and other traffic and must be capable of being locked during all hours other than normal business hours.
- b. Ensure that access to the records storage area is limited and no unauthorized individuals are allowed into the offender record storage area.
- c. Develop and maintain a list of staff authorized to access the offender records:
 - (1) Multiple lists may be required due to the need to maintain specific offender records in separate locations within a facility; and,
 - (2) Access to one area of the offender record does not automatically authorize access to all areas of the record.
- d. Supervise education, dental, medical, psychological, psychiatric and other packet information kept in other locations, such as in the infirmary or school. These records shall be secured and procedures developed to ensure that unauthorized persons are denied access to these records. Also, these files must be locked during non-business hours and maintained in a prescribed records storage area.
- e. Maintain a system to account for records removed from a records storage area indicating the date of removal, the offender record removed and the person who removed the record.
- f. Ensure offender records remain out of a records storage area only as long as necessary for the immediate work to be completed.

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- g. Ensure that partial or complete offender records that may be out of a secure offender records area are secured by lock and key in the absence of the staff person(s) who work with the records.
 - h. Ensure that any non-Departmental personnel who remove an offender record, e.g. Attorney General or Governor's Office, are advised of Department's procedures regarding the security of offender records.
 - i. Ensure that all of the offenders' records are collected and properly assembled before the offenders are transferred or before the records are transported to the Records Control Unit.
 - 2. Transportation of Offender Records:
 - a. Security of offender records shall be maintained during transport;
 - b. Offender records shall be transported by:
 - (1) Local Department staff;
 - (2) Other Department staff, e.g. Reception Diagnostic Center Transport Unit;
 - (3) Certified or registered mail with return receipt requested;
 - (4) Bonded carrier; or,
 - (5) Commission on Public Records Staff.
 - c. Offender records shall be transported simultaneously with the individual.
 - 3. Each state agency collecting, maintaining or transmitting personal information shall treat the information in the same manner as the originating agency in terms of classification and security.

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G. REQUESTS FOR OFFENDER RECORDS INFORMATION FOR RESEARCH:

All requests for access to offender records to provide research information shall be made in accordance with Policy 00-04-201, "Research and Statistics."

VII. STORAGE, RETRIEVAL AND DISPOSITION:

All offender records shall be maintained in accordance with established Records Retention Schedules. Each facility with offender records shall maintain those records until authorized to transfer them or dispose of them.

The Department has established Records Storage Warehouses to store the offender records of those offenders who have been released from the Department. In order to store these records so that they may be disposed of in accordance with the approved Records Retention Schedule, the records of offenders released on parole supervision shall be handled separately from the offender records of those offenders released to probation or by discharge or court order.

ATTACHMENT C presents the procedures to be followed when an offender is released from the Department and the manner in which records shall be transferred to the approved Records Storage Warehouse.

VIII. FORMS, STAFF TRAINING AND AUDITING:

A. STAFF TRAINING:

1. Facility Heads, Central Office Records Unit and Inter-Facility Storage Site Supervisors are responsible for initial and continuing staff training pertaining to the local Operational Procedures which support these Administrative Procedures.
2. Training assistance may be requested from the Division of Staff Development and Training.

B. AUDIT:

1. The Supervisor of Records is responsible for auditing each facility that handles offender records.

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2. The audit shall address compliance with these administrative procedures and the operational procedures supporting these procedures.
3. The Supervisor of Records shall:
 - a. Arrange the audit schedule;
 - b. Select and train the audit team(s);
 - c. Notify the Facility Head of the audit date at least 30 days prior to the scheduled audit;
 - d. Arrange for an audit to be conducted at each facility that handles offender records on an annual basis;
 - e. Arrange special audits as needed; and
 - f. Report audit findings in writing to the Director of Classification for adult offender records or to the Deputy Commissioner/Juvenile Services for juvenile offender records.

IX. APPLICABILITY AND APPROVAL:

These administrative procedures are applicable to all Department facilities and staff who handle offender records.

Signature on File

Edwin G. Buss
Commissioner

5/13/09

Date